

***Virginia Agricultural Stewardship Act
Annual Report
April 1, 2003 - March 31, 2004***



A Positive Approach

Virginia Department of Agriculture and Consumer Services

***... Working in Cooperation with
Virginia's Soil and Water Conservation Districts***



August 23, 2004

Dear Friends and Colleagues:

On March 31, 2004, the Agricultural Stewardship Program completed seven years of responding to complaints of pollution concerning agricultural operations. The effort would not have been possible without the participation and cooperation of local Soil and Water Conservation Districts and other entities of federal, state, and local government. We have also benefited from the cooperation of farmers and other citizens and the continued support and cooperation of Virginia's agricultural community.

As required by the provisions of the Agricultural Stewardship Act (ASA), I am providing the following annual report that presents a summary of the ASA cases received and processed by the Virginia Department of Agriculture and Consumer Services during the period April 1, 2003 through March 31, 2004.

The intent of this annual report is to provide information about the agency's handling of complaints received during this reporting period. The information will give you an overview of the kinds of potential pollutants and different types of agricultural operations that were subject to ASA investigations.

I hope that the enclosed information will provide an understanding of the activities of the Agricultural Stewardship Program and its efforts to provide a timely response to citizen complaints and to work with those with pollution problems to ensure that these problems are corrected and prevented in the future. We believe that this program continues to offer a very practical and positive approach to addressing pollution problems in the Commonwealth.

Sincerely,

**J. Carlton Courter, III
Commissioner**

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BACKGROUND AND OVERVIEW

The Virginia General Assembly passed the Agricultural Stewardship Act in 1996. The program created by the Act was fully implemented effective April 1, 1997. The responsibility for the administration and enforcement of the Act was given to the Commissioner of the Virginia Department of Agriculture and Consumer Services (VDACS). Through an effort of cooperation and coordination involving Virginia's Soil and Water Conservation Districts, VDACS and the agricultural community, the Act has provided a common-sense solution to water pollution problems caused by agricultural operations.

OBJECTIVES

The program is designed to accomplish these objectives:

- To identify real water quality problems and to help farmers correct them in a common-sense manner that accommodates both the farmer and the environment;
- To establish a system that respects both the farmer and the person voicing concern about water quality;
- To educate farmers about stewardship and to encourage them to enhance it even in instances in which a water quality problem cannot be proven in a legal sense;
- To support farmers in their efforts to strengthen their stewardship practices, to provide them with the information they need, and to help link them to resources that can provide assistance;
- To educate the average citizen about normal farming practices that are not harmful to water quality regardless of their appearance, and
- To provide Soil and Water Conservation Districts with training and the Agriculture Stewardship Act materials they need, to the extent that resources will allow.

HOW THE PROGRAM WORKS

Complaints alleging that a specific agricultural activity is causing or will cause water pollution are received by the Commissioner of the Virginia Department of Agriculture and Consumer Services. If a complaint meets the criteria for investigation, the Commissioner's Office contacts the appropriate Soil and Water Conservation District about investigating the problem. If the district declines, the Commissioner's Office conducts the investigation.

The purpose of the investigation is to determine whether the agricultural activity is causing or will cause water pollution. If no causal link is found, the Commissioner will dismiss the complaint. If the investigation determines that the activity is the cause, the farmer is given 60 days to develop a corrective plan. The local District reviews the plan and when it meets the necessary requirements to solve the water pollution problem, the Commissioner will approve it.

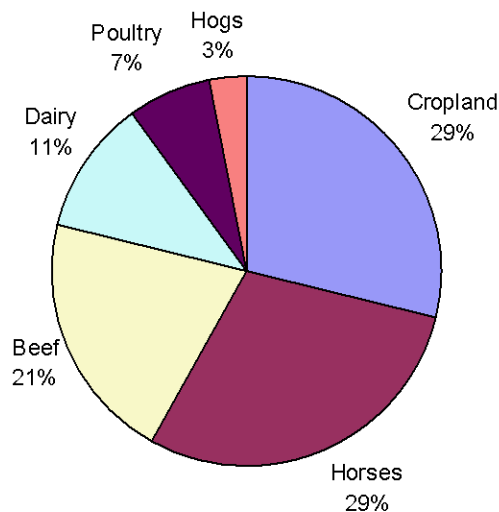
From the time the Commissioner determines that a complaint is founded, the Act gives the farmer six (6) months to start implementing his plan and up to 18 months for full implementation. The timing allows the farmer to take advantage of suitable weather conditions for outside work or construction required. If a farmer fails to implement a plan within the 18-month timeline, the Act requires the Commissioner to take enforcement action.

April 1, 2003 – March 31, 2004

In the seventh year of the Agricultural Stewardship Program, the Commissioner received more than 150 inquiries regarding possible agricultural pollution, of which 28 became official complaints. Official complaints fell into six different categories according to the type of farming operations: beef- 6 (21 %); cropland - 8 (29%); dairy 3 (11%); horses – 8 (29%); poultry – 2 (7%); and hogs -1 (3%).

Commodities

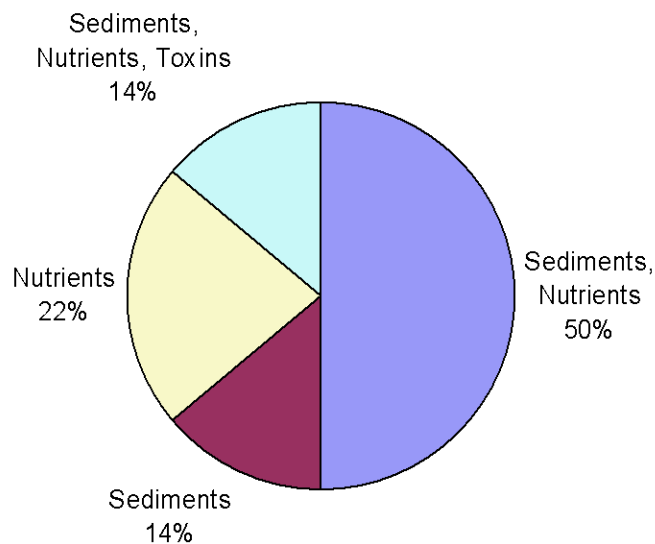
Percentage of Complaints



April 1, 2003 – March 31, 2004

The Act addresses water pollution problems caused by nutrients, sediments, and toxins entering state waters from agricultural activities. Fourteen of the complaints involved both sediments and nutrients. Six complaints attributed the pollution problems solely to nutrients, while four faulted only sediments and four alleged to be sediment, nutrients, and toxins.

Types of Complaints By Percentage

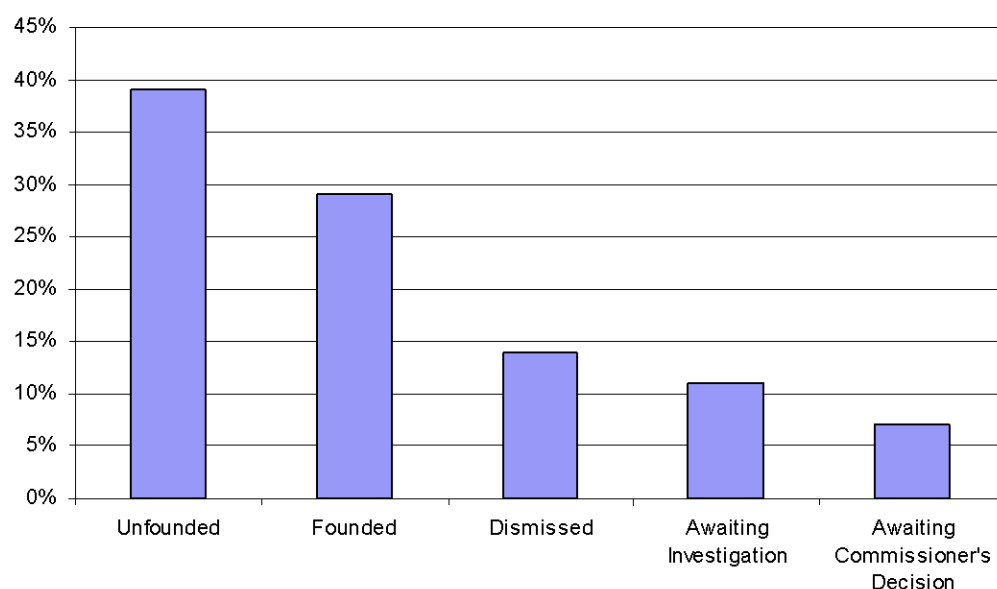


April 1, 2003 – March 31, 2004

The Commissioner's Office, together with local Districts in many cases, completed the investigation of 23 of the 28 official complaints received. Of those 23 complaints, investigations determined that 11 of those complaints revealed insufficient or no evidence of water pollution and were, therefore, unfounded. In some of these cases, no clear connection could be made between the alleged pollution problem and the body of water in question. In other cases, the alleged problem had been corrected by the time the investigation was conducted. In some instances, the farmers involved in unfounded complaints voluntarily incorporated best management practices into their operations to prevent more complaints or to prevent potential problems from developing into founded complaints. Four complaints were dismissed. The disposition of the 13 remaining complaints is as follows:

- ✓ Eight complaints were founded
- ✓ Two complaints are awaiting the Commissioner's decision
- ✓ Three complaints are awaiting investigation

Results of Complaints



April 1, 2003 – March 31, 2004

In each founded case, there was sufficient evidence to support the allegations that the agricultural activities were causing or would cause pollution.

As was reported in the 2002-2003 ASA annual report, two complaints were awaiting the Commissioner's decision and 10 were awaiting investigations as of March 31, 2003. Of these 12 cases, eight were determined to be unfounded and four were founded. As of March 31, 2004, VDACS had five cases still pending the Commissioner's decision.

Farmers involved in the complaint and correction process were very cooperative in meeting the deadlines set by the Agricultural Stewardship Act and it was not necessary to assess any civil penalties.

During this program period ending March 31, 2004, one landowner chose to appeal the Commissioner's decision to the Soil and Water Conservation Board. At the appeal hearing, the Commissioner agreed to revisit the landowner's farm to evaluate current conditions and to determine if water quality concerns had been addressed. As a result of the follow-up visit, the Commissioner determined that initial concerns had been resolved.

CARRYOVER CASE DECISIONS

April 1, 2002 – March 31, 2003

<i>Unfounded Complaints</i>				
Complaint Number	County of Complainant	Commodity Group	Complaint Type	Date of Complaint
213	Augusta	Dairy	Sediments/Nutrients	2/28/03
214	Tazewell	Dairy	Sediments/Nutrients	3/03/03
217	Shenandoah	Beef	Sediments/Nutrients	3/10/03
219	Russell	Beef	Nutrients	3/17/03
221	Smyth	Dairy	Sediments/Nutrients	3/31/03
222	Bedford	Beef	Sediments/Nutrients	3/31/03
223	Prince William	Horse	Sediments/Nutrients	3/31/03
224	Madison	Poultry	Nutrients	3/31/03
<i>Founded Complaints</i>				
212	Washington	Beef	Sediments/Nutrients	2/28/03
216	James City	Beef/Horse	Sediments/Nutrients	3/17/03
218	Rockingham	Dairy	Sediments/Nutrients	3/17/03
220	Tazewell	Beef	Sediments/Nutrients	3/20/03

CASE DECISIONS

April 1, 2003 – March 31, 2004

<i>Unfounded Complaints</i>				
Complaint Number	County of Complainant	Commodity Group	Complaint Type	Date of Complaint
226	Prince William	Horse	Sediments/Nutrients	4/23/03
228	Northampton	Cropland	Sediments/Nutrients/Toxins	4/23/03
230	Lancaster	Cropland	Sediments/Nutrients/Toxins	4/25/03
231	Albemarle	Horse	Nutrients	5/02/03
232	Smyth	Horse	Nutrients	5/06/03
233	Pittsylvania	Cropland	Sediments	6/16/03
234	Page	Poultry	Nutrients	6/26/03
238	Rockingham	Beef	Sediments/Nutrients	7/14/03
241	Wythe	Dairy	Nutrients	8/15/03
242	Grayson	Poultry	Nutrients	8/25/03
244	Hanover	Horse	Sediments/Nutrients	11/03/03
<i>Founded Complaints</i>				
229	Augusta	Hogs	Sediments/Nutrients	4/29/03
236	Rockingham	Dairy	Sediments/Nutrients	7/01/03
237	Northumberland	Cropland	Sediments/Nutrients/Toxins	7/02/03
239	Russell	Cropland	Sediments	7/14/03
240	Patrick	Cropland	Sediments/Nutrients/Toxins	8/11/03
243	Augusta	Dairy	Sediments/Nutrients	9/29/03
246	Hanover	Horse	Sediments/Nutrients	11/12/03
247	Wythe	Beef	Sediments/Nutrients	1/15/04

CASE DECISIONS				
April 1, 2003 – March 31, 2004				
<i>Dismissed Complaints</i>				
Complaint Number	County of Complainant	Commodity Group	Complaint Type	Date of Complaint
225	Goochland	Cropland	Sediments	4/01/03
227	Fluvanna	Horses	Sediments/Nutrients	4/23/03
235	Franklin	Beef	Sediments/Nutrients	7/01/03
245	Washington	Cropland	Nutrients	11/03/03

EDUCATIONAL ACTIVITIES

To ensure that the level of knowledge and service remains high, the staff of the Agricultural Stewardship Program provides opportunities for education and instruction for the many partners involved in this on-going conservation effort. The ASA staff works with the Soil and Water Conservation District Employees' Association to include a session at its summer training.

CONCLUSION

After seven years in operation, the Agricultural Stewardship Program continues to meet the needs of both farmers and the environment by providing a positive approach to concerns about pollution involving agricultural operations. Cooperation from Soil and Water Conservation Districts and the agricultural community has been the key to the program's overall success.